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hardly be. This, Lord Campbell, C. J., explained, and after approving the citing of *Jones v. Whittaker* as a decision of an Irish Court on the construction of an act common to both England and Ireland, thus continued and concluded:—"In considering questions arising on statutes, or on the great principles of jurisprudence which we have to interpret in common, I will take upon myself to say, that we shall always be pleased to have assistance from the decisions of our learned brethren in Ireland, and that we shall treat with the same deference a judgment pronounced in any of the four courts in Dublin, as if it had been pronounced in Westminster Hall.' "

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### THE CASE OF M. LIBRI.<sup>1</sup>

The prosecution at Paris of M. Libri, a distinguished French *savant*, member of the Institute, professor in the College of France, &c., having excited considerable discussion in Europe, and particularly in his own country and in England, we have endeavored to glean from a number of publications of all shapes and sizes, that have appeared upon the subject, a brief sketch of the history of the case. In 1846, the library of M. Libri, being then noted not less for its magnitude (32,000 volumes) than for its value, the *prefet de police* received two or three anonymous letters, charging Libri with two or three thefts of books from public institutions. A secret investigation was at once set on foot, which lasted till January, 1848, when it was discovered by him, and an instant complaint of the indignity lodged with M. Guizot. The police authorities were called on to explain their conduct, and the result was a report to

<sup>1</sup> A correspondent has obligingly furnished us with the following notice of Libri's case, of which many of our readers may have heard. It may seem at first incredible, that so gross and perverse a disregard of the plainest maxims of law and of justice, could occur in a civilized country at the present time, yet we believe that this account is not overstated. It is one of many cases, which expose the radical defects in French criminal jurisprudence, and show how a system, externally perfected, may be easily converted into an engine of persecution.—*Eds. L. Reg.*

M. Guizot, which, it seems, that minister determined at once to dismiss, when unfortunately he was dismissed himself by the revolution of February, 1848. He fled to England, whither Libri, marked for popular vengeance on account of his adherence to Louis Philippe, by the advice of his friends, soon followed him. M. Arago, the head of the Provisional Government, had long been a consistent enemy of Libri, both on political and other grounds, and many of the party then in power shared the same feeling, without, perhaps, possessing Arago's magnanimity. At all events, the report was found among Guizot's papers, and on it was based a most violent prosecution against the accused. His books, his property, his most private papers were handed over to three experts, chosen from an association which (rightly or wrongly) Libri had never ceased to denounce in the most unmeasured terms. As these gentlemen were paid by the day, they took two years and a half to make up their minds. As to the allegations of the anonymous letters, and the report thereon, they were found at once to be so ridiculously and malignantly untrue, as to compel their entire withdrawal by government. However, the experts at last got through their task, and the trial came on. M. Libri was dying in London, and he could not and would not appear. That is a matter of very little consequence, however, in French criminal jurisprudence: the presence of the prisoner generally serves only to disturb the unanimity of the Court, and in a land where the unities of the drama are so much valued, that is a very important thing. The trial went on very well without him, and he was found guilty of everything alleged in the *procès-verbal*, and sentenced to a heavy fine and ten years imprisonment, with the usual *et ceteras* that are generally served up to a prisoner under such circumstances. The fine, we believe, was punctually collected: the government doubtless paid itself, for it had seized all his property; but Libri had received a summons to appear before a higher tribunal, and he died in exile, in poverty, and protesting to the last his entire innocence of the crimes laid at his door.

To the weight of his protestations, most of the persons of emi-

nence in Europe, whose opinions on such matters are worth having, have lent the weight of their convictions. An ex-chancellor of England, has given his written opinion not only of the innocence of the accused, but of the guilty conduct of the prosecution. We should be hardly credited, were we to detail the evidence on which he was accused of stealing books, which were still on the shelves of the libraries to which they belonged, and from which they had never been missing; of stealing books which had never been in his possession; of stealing books which never had any existence. Some of the allegations were most ludicrous. Libri was found guilty of stealing a translation of a work; evidence, he had a copy in the original tongue; he was charged with having stolen a quarto edition of a particular book; proof, he had a duodecimo. There were, it is true, other points in the case that were strongly urged against him; but they were triumphantly confuted; and there are very many features in his defence, that leave us utterly at a loss to imagine of what sort of stuff the heads and hearts of the judges could have been made. They must have put their syllogism thus: A has lost a cat; B has a cow; ergo, B has stolen A's cat.

We disclaim any intention to treat this sad affair with levity. It is a little too serious for that. Setting aside the shocking picture of an innocent man, driven into a felon's grave by the most wanton exertions of judicial tyranny, it has afforded us a sample of such French justice (which looks uncommonly like American injustice) as has caused us deep regret, and has displayed to us such an utter perversion of what we had always supposed to have been the first object of human laws, as we cordially hope never again to witness.

Z.